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SEA**

**SERVICE DATE - MARCH 28, 2003**

**SURFACE TRANSPORTATION BOARD  
WASHINGTON, DC 20423**

**ENVIRONMENTAL ASSESSMENT**

**DOCKET NO. AB-565 (Sub. No. 14X)**

**New York Central Lines, LLC – Abandonment Exemption –  
in Montgomery and Schenectady Counties, NY**

## **BACKGROUND**

In this proceeding, New York Central Lines, LLC (NYC), and CSX Transportation, Inc. (CSXT), (collectively, applicants) jointly filed a notice of exemption under 49 CFR 1152.50 seeking exemption from the requirements of 49 U.S.C. 10903 for NYC to abandon and CSXT to discontinue service over a portion of a line of railroad in Montgomery and Schenectady Counties, New York.<sup>1</sup> The portion of the rail line proposed for abandonment and discontinuance spans about 6.3 miles from Milepost QGW 159.6 in South Amsterdam, Montgomery County to Milepost QGW 165.9 in Rotterdam Junction, Schenectady County. A map depicting the rail line in relationship to the area served is appended to the report. If the notice becomes effective, the applicants will be able to salvage track, ties and other railroad appurtenances and to dispose of the right-of-way.

## **DESCRIPTION OF THE LINE**

According to the applicants, there has been no local traffic on the line for the past two years. Applicants state that the proposed abandonment would “result in the removal of the rail, crossties, and possibly the upper layer of ballast.” The applicants state that ballast was the chief commodity transported over the line, although various other commodities were transported over the line as well.

The applicants state the right-of-way varies in width from 40 feet to 100 feet from the center-line of track. According to the applicants, the line parallels the Mohawk River and Interstate 90, and passes through several urban communities, rivers and streams.

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<sup>1</sup> This case embraces STB Docket No. AB-55 (Sub. No. 629X), CSX Transportation, Inc. – Discontinuance Exemption – in Montgomery and Schenectady Counties, NY.

## **ENVIRONMENTAL REVIEW**

The applicants submitted an environmental report that concludes the quality of the human environment will not be affected significantly as a result of the abandonment or any post-abandonment activities, including salvage and disposition of the right-of-way. The applicants served the environmental report on a number of appropriate Federal, state, and local agencies as required by the Surface Transportation Board's environmental rules [49 CFR 1105.7(b)]. We have reviewed and investigated the record in this proceeding.

The U.S. Natural Resources Conservation Service (NRCS) has submitted comments stating that the majority of the Montgomery County portion of the rail line is located on cut and fill land, and there are some small areas of prime farmland located adjacent to the line. Based on NRCS' comments we will recommend a condition requiring the applicants to consult with NRCS prior to salvage to determine appropriate measures to protect the areas of prime farmland.

## **HISTORIC REVIEW**

The applicants submitted an historic report as required by the Surface Transportation Board's environmental rules [49 CFR 1105.8(a)]. The applicants served the report on the New York State Office of Parks, Recreation and Historic Preservation (SHPO) pursuant to 49 CFR 1105.8(c). The SHPO has submitted comments stating that no historic properties listed in or eligible for inclusion in the National Register of Historic Places (National Register) would be affected by the proposed abandonment. We have reviewed the report and the information provided by the SHPO and concur with the SHPO's comments.

Pursuant to the Advisory Council on Historic Preservation's regulations for implementing the section 106 process of the National Historic Preservation Act at 36 CFR 800.4(d)(1) and 36 CFR 800.8, we have determined that the proposed abandonment will not affect historic properties listed in or eligible for inclusion in the National Register. The documentation for this finding, as specified at 36 CFR 800.11(d), consists of the applicants' historic report, all relevant correspondence, and this EA, which have been provided to the SHPO and made available to the public.

## **CONDITIONS**

We recommend that the following environmental condition be placed on any decision granting abandonment authority:

**Applicants shall consult with Mr. Thomas Bielli of the U.S. Natural Resources Conservation Service prior to salvage to determine appropriate measures to protect the areas of prime farmland.**

## **CONCLUSIONS**

Based on the information provided from all sources to date, we conclude that, as currently proposed, and if the recommended condition is imposed, abandonment of the line will not significantly affect the quality of the human environment. Therefore, the environmental impact statement process is unnecessary.

Alternatives to the proposed abandonment would include denial (and therefore no change in operations), discontinuance of service without abandonment, and continued operation by another operator. In any of these cases, the existing quality of the human environment and energy consumption should not be affected.

## **PUBLIC USE**

Following abandonment and salvage of the rail line, the right-of-way may be suitable for other public use. A request containing the requisite four-part showing for imposition of a public use condition (49 CFR 1152.28) must be filed with the Board and served on the railroad within the time specified in the Federal Register notice.

## **TRAILS USE**

A request for a notice of interim trail use (NITU) is due to the Board, with a copy to the railroad, within 10 days of publication of the notice of the petition for exemption in the Federal Register. Nevertheless, the Board will accept late-filed requests as long as it retains jurisdiction to do so in a particular case. This request must comply with the Board's rules for use of rights-of-way as trails (49 CFR 1152.29).

## **PUBLIC ASSISTANCE**

The Board's Office of Public Services responds to questions regarding interim trail use, public use, and other reuse alternatives. You may contact the Office of Public Services directly at (202) 565-1592, or mail inquiries to Surface Transportation Board, Office of Public Services, Washington, DC 20423.

## **COMMENTS**

If you wish to file comments regarding this environmental assessment, you should send an **original and two copies** to Vernon A. Williams, Office of the Secretary, Washington, DC 20423, to the attention of Rini Ghosh, who prepared this environmental assessment. **Please refer to Docket No. AB-565 (Sub-No. 14X) in all correspondence addressed to the Board.** If you have questions

regarding this environmental assessment, you should contact Rini Ghosh, the environmental contact for this case by phone at (202) 565-1539, fax at (202) 565-9000, or e-mail at ghoshr@stb.dot.gov.

Date made available to the public: **March 28, 2003.**

**Comment due date: April 11, 2003.**

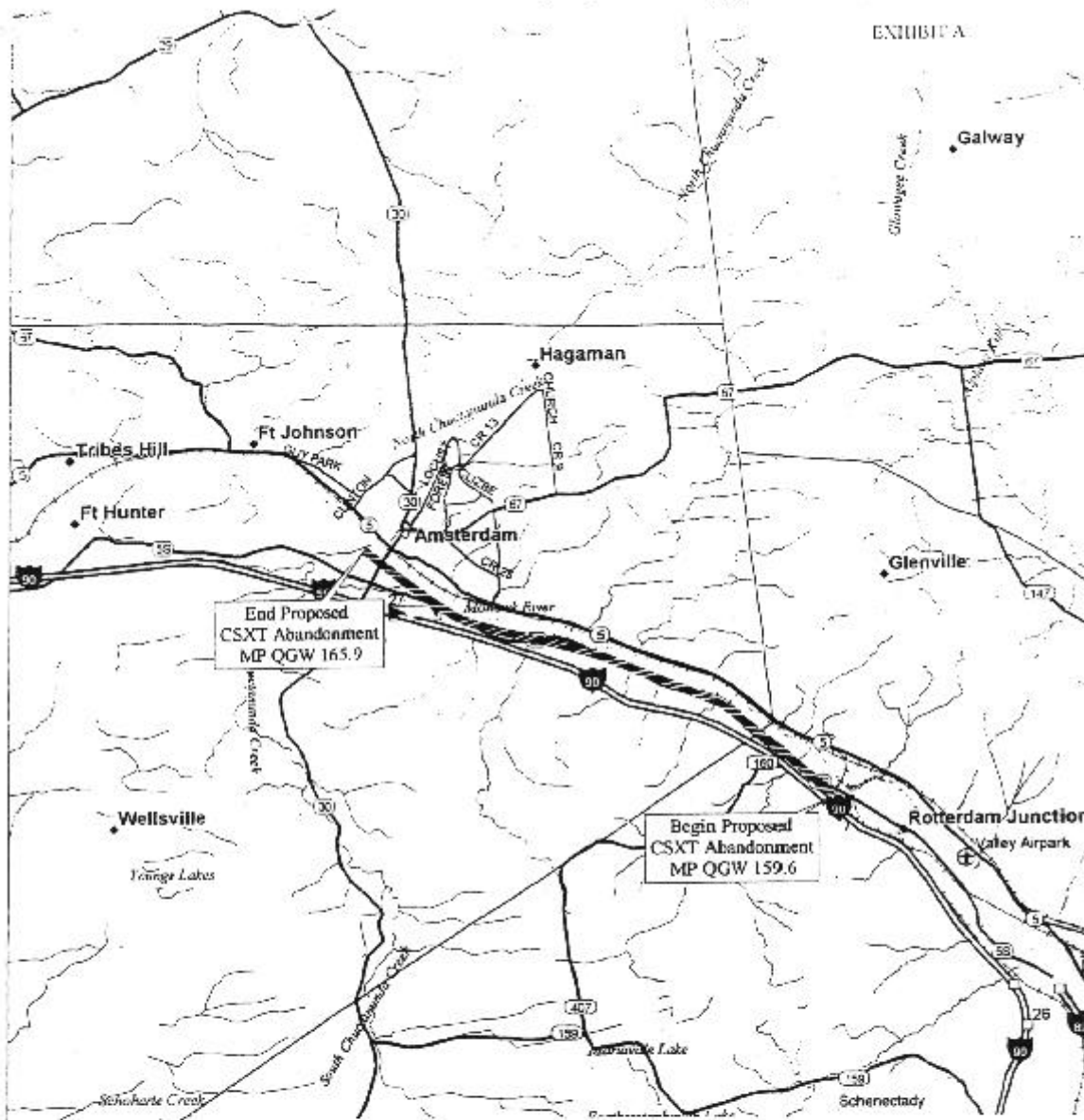
By the Board, Victoria Rutson, Chief, Section of Environmental Analysis.

Vernon A. Williams  
Secretary

Attachment

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EXHIBIT A



## CSX Transportation, Inc. & New York Central Lines, LLC

South Amsterdam, Montgomery County to  
Rotterdam Junction, Schenectady County, New York

6.3 Miles of track proposed to be abandoned